



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-128-16

Property Address: 507 Rosengarten Alley

Property Owner: Joseph and Brooke Lilley

Project Contact: Brooke Lilley

Nature of Case: A request for a 14' rear yard setback variance pursuant to Section 2.2.1 of the Unified Development Ordinance to expand the existing detached house into the rear yard resulting in a 6' rear yard setback on a .07 acre property zoned Residential Mixed-Use (RX-3) and located at 507 Rosengarten Alley

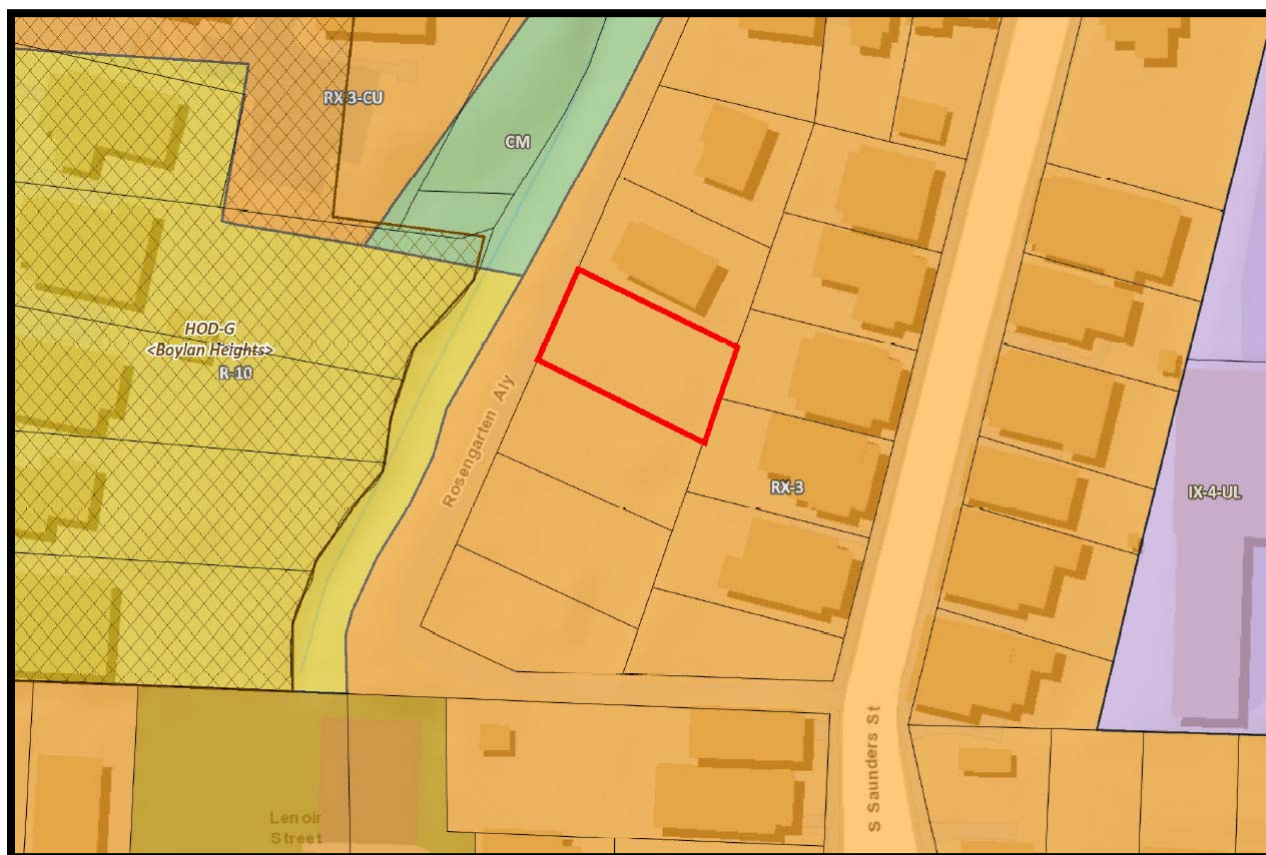


507 Rosengarten Alley – Location Map

To BOA: 12-12-16

Staff Coordinator: Eric S. Hodge, AICP

**ZONING
DISTRICTS:** Residential Mixed Use-3



507 Rosengarten Alley – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions

that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Zoning District Standards: The subject property is zoned Residential Mixed Use-3

Lot Dimensions

Area (min)	4,000 SF
Width – interior lot (min)	45'

Yard Type **Minimum Setback**

Primary Street	10'
Side Street	10'
Side	5'
Sum of Sides	10'
Rear	20'

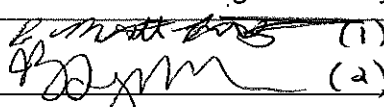
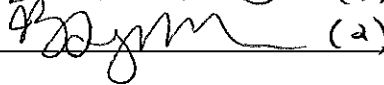
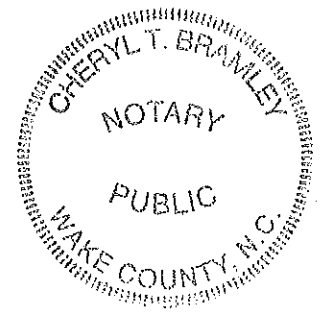
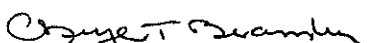
Application for Variance

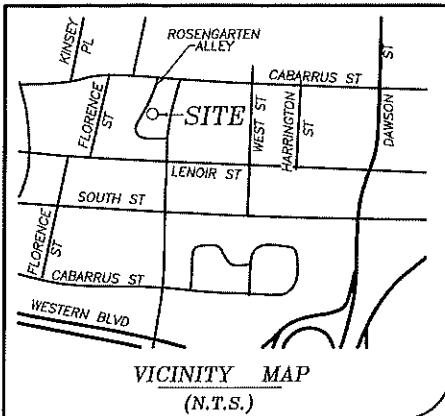


Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
<p>Nature of variance request (if more space is needed, submit addendum on separate sheet):</p> <p>1. Allow for an addition that aligns with the existing house and encroaches 14' into the 20' rearyard setback at its furthest point.</p>	<p>Transaction Number</p> <p>A-128-16</p>
<p>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</p> <p>None</p>	

GENERAL INFORMATION		
Property Address 507 Rosengarten Alley		Date 10/12/2016
Property PIN 1703463821	Current Zoning RX	
Nearest Intersection Rosengarten Alley and Cabarrus Street		Property size (in acres) 0.07 Acres
Property Owner ⁽¹⁾ Joseph Matthew and ⁽²⁾ Brooke Lilley	Phone 919-614-3553	Fax n/a
Owner's Mailing Address 507 Rosengarten Alley	Email brooke.lilley@gmail.com	
Project Contact Person Brooke Lilley	Phone 919-614-3553	Fax n/a
Contact Person's Mailing Address 507 Rosengarten Alley	Email brooke.lilley@gmail.com	
Property Owner Signature  ⁽¹⁾  ⁽²⁾	Email brooke.lilley@gmail.com	
<p>Notary</p> <p>Sworn and subscribed before me this <u>4</u> day of</p> <p><u>November</u>, 20<u>16</u></p> <p>Cheryl T Bramley Commission expires 21 October 2018</p>	<p>Notary Signature and Seal</p>  <p></p>	

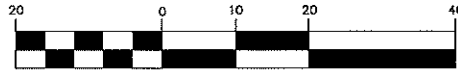


FLOOD CERTIFICATION

THIS WILL CERTIFY THAT THE SUBJECT PROPERTY
() IS or (X) IS NOT located in a SPECIAL FLOOD HAZARD AREA
as determined by the Department of Housing and Urban
Development, or as shown on the FLOOD INSURANCE RATE MAP.

370243 1703 J
COMMUNITY # PANEL SUFFIX PROFESSIONAL LAND SURVEYOR

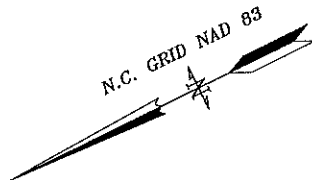
SCALE



(IN FEET)
1 inch = 20 ft.

LINE TABLE		
LINE	LENGTH	BEARING
L1	22.21'	N19°03'19"E
L2	17.92'	S20°24'55"W

N 30°32'40" E 5467.68'
TIE TO N.C.G.S. MONUMENT
"RALEIGH BASE"
X=2,107,145.9 Y=741,524.85



IMPERVIOUS AREA
HOUSE 640 SQ.FT.
PORCH 90 SQ.FT.
DR/WALK 410 SQ.FT.
TOTAL 1,140 SQ.FT.
39.9% IMPERVIOUS

LEGEND

- EXISTING IRON PIPE
- NEW IRON PIPE
- × COMPUTED CORNER

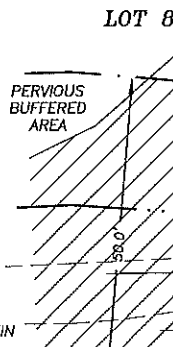
NOTE:
THIS PROPERTY DOES NOT LIE WITHIN
2000' OF A N.C.G.S. MONUMENT.

THIS SURVEY IS OF AN EXISTING PARCEL
OR PARCELS OF LAND.

UTILITIES SHOWN ARE FOR REPRESENTATION
ONLY AND NOT TO BE USED FOR
PROPERTY LINE LOCATION

ALL CREEKS, EASEMENTS, BUFFERS,
FLOOD LIMITS & SETBACKS TAKEN
FROM BOM 1918, PG 50

LOT 10
ALEX ROSENGARTEN
2,860 SQ.FT.
0.07 ACRES



ROSENGARTEN ALLEY
(VARIABLE PUBLIC R/W)

PRELIMINARY PLAT, NOT FOR
RECORDATION, CONVEYANCES, OR SALES
THIS PLAN MUST BE APPROVED BY ALL
STATE AND LOCAL REVIEWING AUTHORITIES
FOR CONCURRENCE WITH SITE ZONING
AND CODE OF ORDINANCES

Hatched area indicates existing impervious surfaces that
have been identified and certified as exempt from the
riparian buffer by the NC Department of Water Quality -
see signed impervious surface survey

I, Jeffrey H. Davis, PLS, certify this map was drawn under my supervision from an actual survey made under my supervision;
and that the error of closure as calculated by latitudes and departures is $1/10,000+$; that the boundaries not surveyed
are shown as broken lines plotted from information found in Book —; Page —; that this map was prepared in
accordance with G.S. 47-30 amended.

Witness my original signature, registration number and seal this
27TH day of JANUARY 2012.

Signed _____

Seal

ALL CONSTRUCTION SHALL BE IN
ACCORDANCE WITH ALL CITY OF RALEIGH
AND NCDOT STANDARDS AND SPECIFICATIONS

SITE PLAN

PLAN INFORMATION BLOCK

Footprint:		Total Square Feet:	
Crawl:	Slab:	Basement:	
Mean Height:		Stories:	
Facade:			
Impervious Surface Area:			

CONSOLIDATED
REAL ESTATE LLC

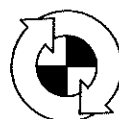
LOT 10
ALEX ROSENGARTEN
507 ROSENGARTEN ALLEY
RALEIGH NORTH CAROLINA

DATE: 01-27-2012

SCALE: 1" = 20'

DWG. NO.

A-14554



TURNING POINT
SURVEYING PLLC

4113 JOHN S. RABOTEAU WYND
RALEIGH, NORTH CAROLINA 27612
FAX (800)948-0213 PH (919)781-0234
License No: P-0121

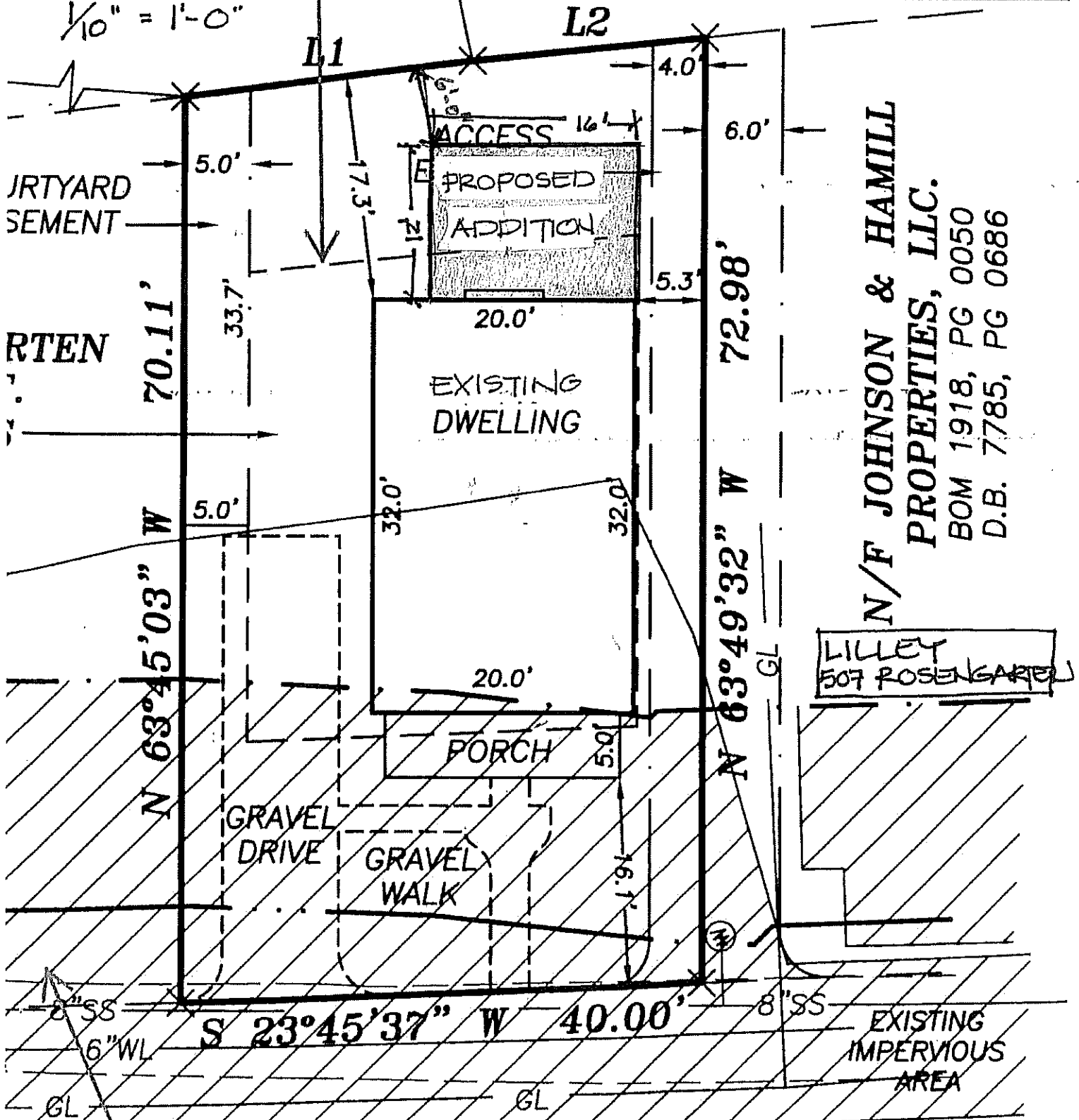
C.N. = 17746
B.O.M. D.B. 14049
PAGE 2152
WAKE CO. REG.

**N/F DAVID
WAYNE PITTMAN**
D.B. 13641, PG 0933

**/F ERICA J.
CUMMING**
13813, PG 2609

REAR SETBACK REDUCTION FOR LESS THAN 100'
DEEP LOT AS PER SECTION 10-2075(d)(6)

SCALE:
 $\frac{1}{10}'' = 1'-0''$



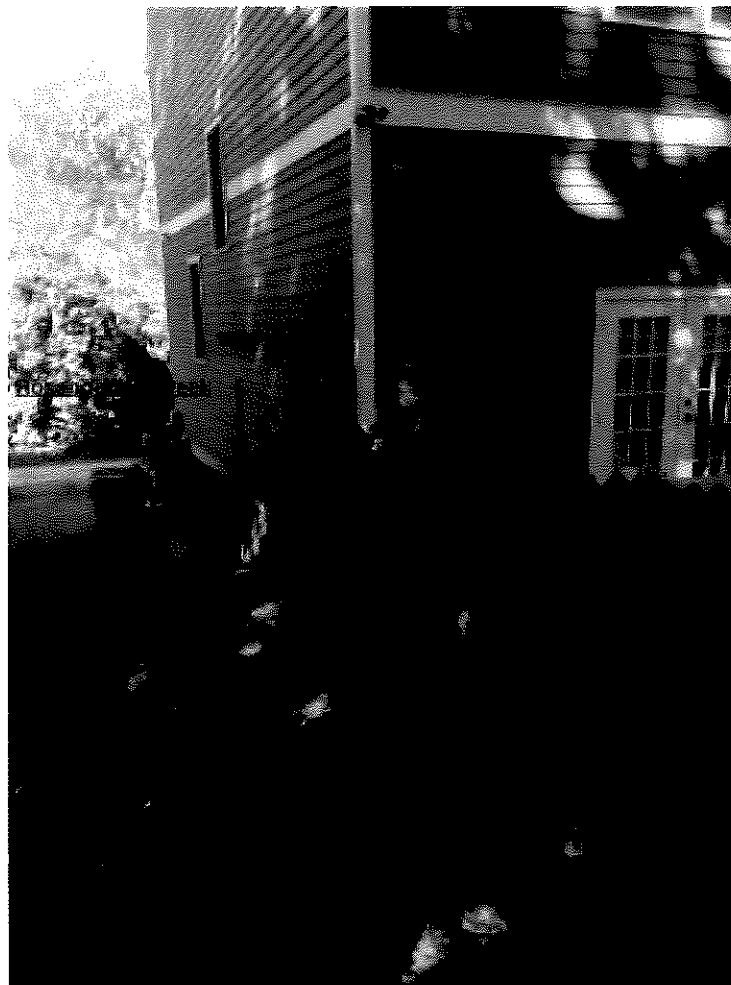
507 Rosengarten Alley Improvements- Variance Hardship

Proposed Improvement Summary:

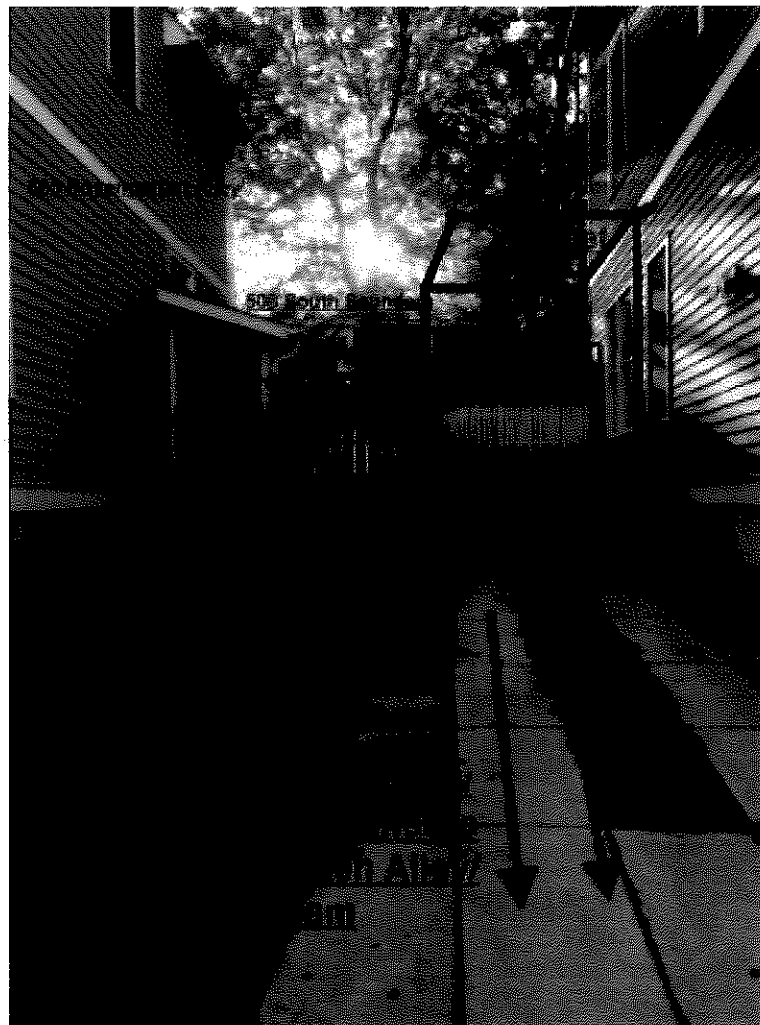
We are proposing that an addition to our home would extend 14' into the 20' rear setback. Our neighbors are in support of this variance.

Hardship Reasoning:

1. ***The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.*** Due to the topography of our narrow lot, we are at a significantly lower elevation than the homes to our rear on South Saunders street. At a lower elevation to us, to the front of our lot, is Rosengarten Creek. There is significant storm water drainage from the properties on South Saunders, through our lot, and into Rosengarten Creek. The volume of water is significant enough, that our yard has water pooling and erosion. The water flow is also significant enough that the gravel in front of our home must be replaced by the City of Raleigh several times a year.



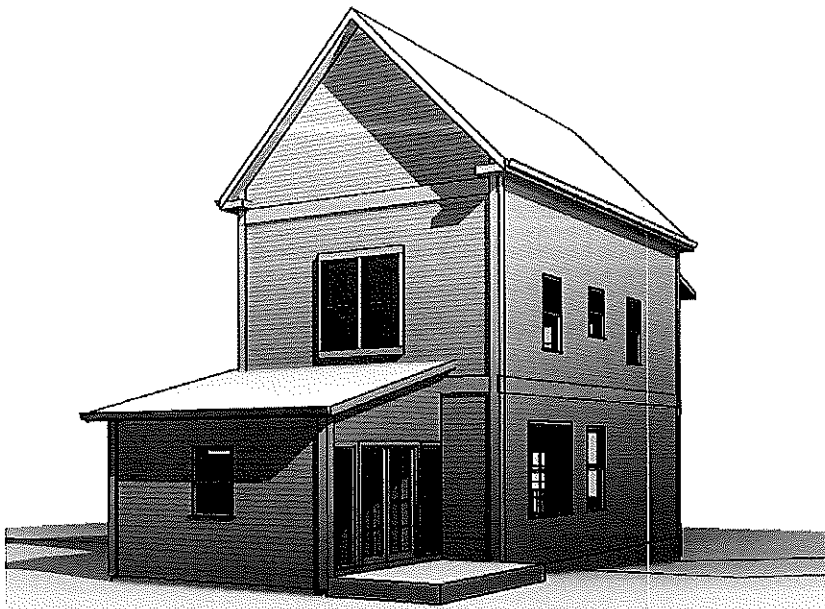
2. ***Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made from the property.*** The only area on our lot to build an addition within current zoning regulations is to the left of our home, between our property and 505 Rosengarten Alley. If we were to build in this space, the stormwater that drains between our properties would be forced through a very narrow pathway, as well as, diverted into 505 Rosengarten Alley and our other neighboring properties. This obstruction would cause significantly greater water pooling and water erosion for our neighbors. If granted a rear set-back variance, we would be able to avoid creating further water damage for our neighbors. During the building process, we will also work to improve the current stormwater drainage through our property.

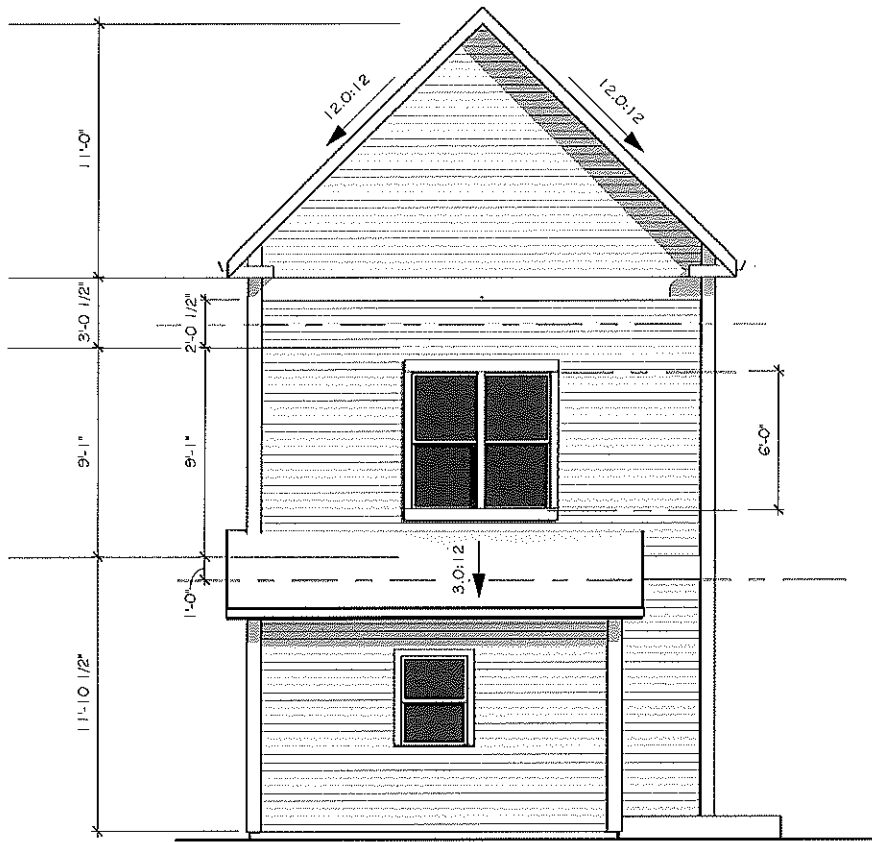


3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.** The topography of our lot was established before we purchased our home. The elevation is not self-created.
4. **The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial just is achieved.** With the approval of our variance, we are acknowledging a significant storm water drainage issue through our lot, and working to improve this issue for both ourselves and our neighbors. Our neighbors are in full support of this variance. Please see their endorsement through attached emails.



1 FRONT ELEVATION
A1 1/8" = 1'-0"





1 REAR ELEVATION
A3 1/8" = 1'-0"



2 LEFT ELEVATION
A3 1/8" = 1'-0"

Adjacent Property Owners to 507 Rosengarten Alley

1. Erica Cumming
508 South Saunders Street
2. Dusan and Gordana Savic
510 South Saunders Street
3. Domino and Debra Ireland
505 Rosengarten Alley
4. Robert Stewart and Elizabeth Moore
509 Rosengarten Alley

From: **Elizabeth Moore** <elizabethdmoore@gmail.com>
Date: Sun, Oct 30, 2016 at 12:21 PM
Subject: Re: House Variance
To: Brooke Lilley <brooke.lilley@gmail.com>

Hi Brooke-

We have no questions or concerns about your proposed addition.

Good luck!

-Elizabeth

Elizabeth Moore
509 Rosengarten Alley
Raleigh, NC

919-282-7470

to nemsavic

Hey Nemanja-

I hope you are doing well and you guys had a good weekend. I wanted to reach out to you to let you know Brooke and I are exploring some home improvement projects at our house and one of them is small addition on the back. To do this we actually will have to go through and apply for a lot variance with the city. Essentially we are applying to build a 1 story sun room where our original deck was on the house. We wanted to fire an email out to immediate neighbors to see if anyone had any thoughts or concerns. Not sure if you want to forward this to your parents or if you have any thoughts but let me know either way.

Thanks and hopefully we can catch up soon.



nemsavic@gmail.com

Oct 30 (4 days
ago)

to me

Thanks for checking in mate, that won't bother us at all, I'm sure it will look awesome!

Let's get together soon!

Sent from my iPhone

Lilley, Matt

From: Erica Cumming <erica.cumming@gmail.com>
Sent: Wednesday, October 26, 2016 5:05 PM
To: Lilley, Matt
Subject: Re: Home Project

Hi Matt!

Thanks so much for reaching out to me about this! Seems like you and Brooke have put a lot of thought into all of your options. And I can totally understand the need for maximizing your space. I have no concerns at all with your proposed work. I should just make you aware that I'm 90% sure my sewer line runs under your driveway. :) Just something to keep in mind!

And as for the continued construction / noise - I'm not overly worried. Scott and I are actually moving to CO at the end of the year and will be renting out our house to a lovely lady named Marcie (she works with Domino). I'll make her aware of this work tonight. I'm also positive that your project will go better than my immediate neighbors' (not trying to sound too negative here).

I'm super supportive of projects that keep great people in the hood! I also love house projects and hope you will keep me posted about your progress! And if you need anything from me / my tenant as you complete your project, please let me know.

Good luck!
Erica

Sent from my iPhone

On Oct 26, 2016, at 3:50 PM, Lilley, Matt <Matt.Lilley@YMCATriangle.org> wrote:

Hey Erica,

I hope you are doing well today. I wanted to reach out to you and let you know that my wife and I are exploring some options to create some more space on our first floor as our family continues to grow. Our current lot lines provides us space to build a small bump out on the side towards Domino and Deborah's house. This isn't ideal as we worry about what that would do to their yard with drainage/erosion. With that said we are planning on applying for a lot variance that would allow us to build a small sunroom where our original deck was. It would be 1 story on the first floor and about 190 square feet. Before we go down that path I wanted to reach out to all of our immediate neighbors so see if you had any concerns or thoughts. Feel free to email me back questions or let me know if you want to talk in person.

Im confident at this point you are tired of hammers near your house but we are really excited about any option that keeps us in this neighborhood as long as possible!

Thanks

Matt Lilley
Healthy Lifestyles Director

Lilley, Matt

From: Domino Ireland <Domino.Ireland@sas.com>
Sent: Tuesday, October 18, 2016 1:01 PM
To: Lilley, Matt
Subject: RE: home project

Hi Matt,

We have ventured down similar thoughts and paths (with even less space in our house) planning for our own home. Can we have dinner/drinks and discuss sometime soon? Maybe there's an opportunity to share resources too moving forward.

We are certainly glad you are trying to make the Alley work and not leaving due to space. I know it has been tough on others, causing them to leave, with other exits on the horizon.

Ideas abound, we'd love to chat and thank you for the email and communication.

Domino and Debra

From: Lilley, Matt [<mailto:Matt.Lilley@YMCATriangle.org>]
Sent: Tuesday, October 18, 2016 11:22 AM
To: Domino Ireland <Domino.Ireland@sas.com>
Subject: home project

Hey Domino-

I hope you guys are doing well today. I wanted to reach out to you to start some conversation about a potential home project Brooke and I are exploring. As our family grows and expands we are walking two fine lines of loving our neighborhood but also needing some more space. The biggest area of need is our first floor where 95% of our family activity takes place. With that said we have started looking at some options for small additions to our house.

With our current lot lines and regulations, the standard option we have is to build a bump off of our kitchen towards your house. This isn't ideal for a number of reasons: A.) selfishly it doesn't create much space or flow in the house and B.) I worry about the drainage from the homes behind us and our own yards and the adverse effects it could have. The more ideal option is to apply for a variance that would allow us to build a small sunroom on the footprint of our original deck. This would alleviate both issues above and hopefully create a little more space for family to grow into while staying on our awesome street.

To do this we have some logistical hurdles to jump through but Brooke and I agree that those are secondary and not important until we have some conversation with our neighbors. Let me know what thoughts or concerns you may have. We can obviously chat in person at any time but I wanted you to have a chance to process any thoughts.

Thanks and look forward to hearing from you.

Matt Lilley
Healthy Lifestyles Director

Alexander Family YMCA

✓ 1703463821
LILLEY, JOSEPH M LILLEY, BROOKE R
507 ROSENGARTEN ALY
RALEIGH NC 27603-2153

✓ 1703461844
KIRBY, LEE M KIRBY, JOYCE B
511 FLORENCE ST
RALEIGH NC 27603-2143

✓ 1703461995
MILLER, TRACY LORRAINE
613 W CABARRUS ST APT 201
RALEIGH NC 27603-2169

✓ 1703461995
SURFACE, ERIC ALAN
505 FLORENCE ST APT 201
RALEIGH NC 27603-2167

✓ 1703461995
DEANS, JASON J
613 W CABARRUS ST APT 202
RALEIGH NC 27603-2169

✓ 1703462856
JOHNSON, RICHARD L II
304 GLENWOOD AVE
RALEIGH NC 27603-2197

✓ 1703463717
STEWART, ROBERT E
509 ROSENGARTEN ALY
RALEIGH NC 27603-2153

✓ 1703463845
IRELAND, DOMINO RAY IRELAND, DEBRA
LYNN
505 ROSENGARTEN ALY
RALEIGH NC 27603-2153

✓ 1703464800
CUMMING, ERICA J
508 S SAUNDERS ST
RALEIGH NC 27603-2156

✓ 1703464924
GUDDAT, MATTHEW
603 W CABARRUS ST
RALEIGH NC 27603-1913

✓ 1703461725
MCKENDRY, JAMES EDWARD
515 FLORENCE ST
RALEIGH NC 27603-2143

✓ 1703461995
BOYLAN CONDOMINIUMS
C/O RALEIGH FLORENCE ST MMM LLC
304 GLENWOOD AVE
RALEIGH NC 27603-2197

✓ 1703461995
SOLBERG, KRISTINA L
613 W CABARRUS ST APT 102
RALEIGH NC 27603-2169

✓ 1703461995
AUTRY, LUCAS DANIEL WHITFIELD,
KATHERINE LEIGH
505 FLORENCE ST APT 101
RALEIGH NC 27603-2167

✓ 1703462770
TUORTO, MEGAN M TUORTO, PAUL J
513 ROSENGARTEN ALY
RALEIGH NC 27603-2153

✓ 1703462993
BOYLAN CONDOMINIUMS
505 FLORENCE ST APT 201
RALEIGH NC 27603-2167

✓ 1703463773
SMITH, RYAN C CHAPPELL, JOHN T II
512 S SAUNDERS ST
RALEIGH NC 27603-2156

✓ 1703463869
HOPE, LUCY B
503 ROSENGARTEN ALY
RALEIGH NC 27603-2153

✓ 1703464813
LYNCH, ANNA WILLIAMSON, JERRY
506 S SAUNDERS ST
RALEIGH NC 27603-2156

✓ 1703461739
WOOMER-DETERS, NICHOLAS C
WOOMER-DETERS, KATHARINE...
513 FLORENCE ST
RALEIGH NC 27603-2143

✓ 1703461995
LUNDQUIST, DAVID R LUNDQUIST, LESLIE
K
613 W CABARRUS ST APT 201
RALEIGH NC 27603-2169

✓ 1703461995
FLEMING, MARK BOWEN
1834 20TH AVENUE DR NE
HICKORY NC 28601-0522

✓ 1703461995
BROOME, CHRISTIAN TUCKER
505 FLORENCE ST APT 102
RALEIGH NC 27603-2167

✓ 1703462794
ANDERSON, HEATHER A
511 ROSENGARTEN ALY
RALEIGH NC 27603-2153

✓ 1703463659
WEBSTER, CLIFFORD WAYNE JR
514 S SAUNDERS ST
RALEIGH NC 27603-2156

✓ 1703463797
SAVIC, DUSAN SAVIC, GORDANA
510 S SAUNDERS ST
RALEIGH NC 27603-2156

✓ 1703463985
LEHNHARDT, TERESA
607 W CABARRUS ST
RALEIGH NC 27603-1913

✓ 1703464827
WYNIA, ERIN LEIGH
504 S SAUNDERS ST
RALEIGH NC 27603-2156

